

From: Daniel S. Wilkerson
To: Microsoft ATR
Date: 1/24/02 12:15am
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement with Microsoft fails to do anything useful and allows Microsoft to simply continue their illegal practices. Specifically, the Court of Appeals ruling states on p.99 as follows.

"The Supreme Court has explained that a remedies decree in an anti-trust case must seek to 'unfetter a market from anticompetitive conduct' to 'terminate the illegal monopoly, deny the defendant the fruits of its statutory violation and ensure that there remain no practices likely to result in monopolization in the future.'"

As far as I understand the decree, it does not do anything resembling this. Allowing the same company, Microsoft, to continue to provide such interlocking services such as

- 1 - Operating Systems,
- 2 - Applications, and
- 3 - Internet services

which could and often are provided by different companies in the rest of the industry, is just asking for the monopoly to not only continue, but to be extended from one field (operating systems) into others through leveraging of the already existing monopoly Microsoft has on the desktop.

It is absolutely clear that this kind of illegal tying between the operating system and the browser is going on now. Should Microsoft also gain control of the server, and thus be able to control the protocols for the web and email, Microsoft would quite literally own the Internet. Imagine one company controlling the postal system or television completely. With the Internet replacing all other modes of communication, it is not an overstatement to suggest this could be the end of free speech. There is historical precedent for monopolies with enough power attempting control as unimaginable as this: The United States owes its first settlers to the attempt by the then Catholic English monarchy to prevent people from reading the Bible by burning to death anyone found with an English copy of it.

What eventually broke the monarchy's grip was that printing technology was simple enough that people could and did simply duplicate it in their own homes: eventually there were just too many English bibles. The major problem here is that the Internet situation is really *not* like these previous historical situations with other media that seem similar, and yet people are content to think of it as if it is. It is a problem with computers, but not with television or telephones or newspapers, or any other mass communication medium, because software is fundamentally different than these other technologies: it is maximally complicated. The communications protocols in these historical

examples are very simple. Anyone can also build a TV, not just Sony. Anyone can print a newspaper. Telephones are similarly simple. However, I can attest from first hand knowledge that the fact that software protocols can be arbitrarily complex and constantly changing very effectively locks others out of competing with Microsoft. I can't write a competitor to Microsoft Office because the file formats for the documents are too nasty and change too often. At my last job we have tried deciphering them. This is not idle speculation.

You may laugh, but think of it this way: The signal of a TV means an image and the encoding for it does not change very often (every few decades, and only with huge resistance. We still don't have HDTV.) The words you write in a newspaper may change, but the language they are written in does not: We can still read what was written 500 years ago. However, computers are **universal** machines that can be have **arbitrarily** complexly. The signal that comes over the Internet can be interpreted as data, say text or image, or as a new program, changing the very **language** of the (subsequent) signal itself. Imagine that after reading one newspaper article, you knew a new language and the publisher then published all subsequent articles in this new language. If they prevent you from reading that first article, you can no longer read **any** more! This is how computers work. This is the danger of Microsoft's control over so many aspects of computing.

I support breaking the company into three parts providing the three services offered above: operating system, applications, and Internet services. I also support an idea from the Free Software Foundation which I have quoted below .

Sincerely,
Daniel Wilkerson, Software Engineer

Quoted suggestion of the Free Software Foundation:
<http://www.gnu.org/philosophy/microsoft-antitrust.html>

Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats. This would block one of Microsoft's favorite tactics: secret and incompatible interfaces.

To make this requirement really stick, Microsoft should not be allowed to use a nondisclosure agreement with some other organization to excuse implementing a secret interface. The rule must be: if they cannot publish the interface, they cannot release an implementation of it.

It would, however, be acceptable to permit Microsoft to begin implementation of an interface before the publication of the interface specifications, provided that they release the specifications simultaneously with the implementation.

Enforcement of this requirement would not be difficult. If other

software developers complain that the published documentation fails to describe some aspect of the interface, or how to do a certain job, the court would direct Microsoft to answer questions about it. Any questions about interfaces (as distinguished from implementation techniques) would have to be answered.

Similar terms were included in an agreement between IBM and the European Community in 1984, settling another antitrust dispute. See <http://www.cptech.org/at/ibm/ibm1984ec.html>.

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